

REMARKS

Applicants have amended their claims herein to better clarify the invention. Claims 1, 7, and 13, are amended herein to recite, inter alia, a plurality of controllers disposed in a plurality of interconnected information storage and retrieval systems, wherein each of said plurality of controllers comprises logic enabling that controller to function as a master controller, or as a target controller, or as both a master and a target controller. Support can be found in the Specification on Page 7 at Lines 16-20.

No new matter has been entered. Reexamination and reconsideration of the application, as amended, is respectfully requested.

Claims 1-18 stand rejected under 35 USC 103(a) as being unpatentable over Beal et al. (U.S. Pat. No. 5,155,845) in view of Tan et al (U.S. Pub. No. 2003/0126347).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” MPEP 2143.03; *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Neither Beal et al. nor Tan et al., singly or in combination, teach or suggest an apparatus and/or method to coordinate interconnected information storage and retrieval systems, wherein that method provides a plurality of controllers, and wherein two of said plurality of controllers are disposed in each of said plurality of information storage and retrieval systems, and where each of the plurality of controllers comprises logic enabling that controller to function as a master controller, or as a target controller, or as both a master and a target controller, as recited in claims 1, 7, and 13, as amended herein. This being the case, Applicants respectfully submit that claims 1, 7, and 13, as amended herein, are patentable over the combined teachings of Beal et al. and Tan et al.

Tan et al. actually teaches away from claims 1, 7, and 13, as amended herein. Tan et al. teach a data array system comprising an active controller 130 and a standby controller 150. Tan et al. further teach that "the role of the controllers 130, 150 may reverse during operations." [0028]. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference . . . would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed.Cir. 1994). One of ordinary skill in the art following the teachings of Tan et al. would find motivation to use a data array system comprising an active controller and a standby controller, wherein the functions of those controllers may reverse during operations.

One of ordinary skill in the art would find no motivation, however, to use an apparatus and method to coordinate multiple data storage and retrieval systems comprising a plurality of controllers, wherein each controller comprises logic enabling that controller to function as a master controller, or as a target controller, or as both a master and a target controller, as recited in claims 1, 7, and 13, as amended herein.

Claims 2-6, as amended herein, depend, directly or indirectly, from claim 1, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). Applicants respectfully submit that claims 2-6, as amended herein, are patentable over the teachings of Beal et al. and Tan et al.

Claims 8-12, as amended herein, depend from claim 7, as amended herein. Under 35

U.S.C. § 112, fourth paragraph, "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). Applicants respectfully submit that claims 8-12, as amended herein, are patentable over the teachings of Beal et al. and Tan et al.

Claims 14-18, as amended herein, depend from claim 13, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). Applicants respectfully submit that claims 14-18, as amended herein, are patentable over the teachings of Beal et al. and Tan et al.

Having dealt with all of the outstanding objections and/or rejections of the claims, Applicants submit that the application as amended is in condition for allowance, and an allowance at an early date is respectfully solicited. In the event there are any fee deficiencies or additional fees are payable, please charge them, or credit an overpayment, to our Deposit Account No. 502262.

Respectfully submitted,

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